

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Isaac Forman	Team: Squad #1	CCRB Case #: 201900826	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 01/19/2019 5:14 PM	Location of Incident: § 87(2)(b) 81st Precinct Stationhouse	Precinct: 81	18 Mo. SOL 7/19/2020	EO SOL 3/5/2021	
Date/Time CV Reported Fri, 01/25/2019 4:42 PM	CV Reported At: Office of City Council member	How CV Reported: In-person	Date/Time Received at CCRB Fri, 01/25/2019 4:42 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Raul Torres	24953	958127	081 PCT
2. POM Jimmy Romero	05585	962062	081 PCT
3. DT3 Evan Crothers	3995	951249	081 DET
4. An officer			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Jake Hoina	07779	963572	081 PCT
2. POF Lace Kirk	14349	956802	081 PCT
3. DTS Conrad Narcisse	7317	948103	081 PCT
4. POM Arturo Sanchez	08836	963740	081 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Raul Torres	Abuse: Police Officer Raul Torres entered § 87(2)(b) in Brooklyn.	§ 87(2)(b)
B.POM Jimmy Romero	Abuse: Police Officer Jimmy Romero entered § 87(2)(b) in Brooklyn.	§ 87(2)(b)
C.POM Raul Torres	Abuse: Inside of § 87(2)(b) in Brooklyn, Police Officer Raul Torres interfered with § 87(2)(b)'s use of a recording device.	§ 87(2)(b)
D.POM Jimmy Romero	Abuse: Inside of § 87(2)(b) in Brooklyn, Police Officer Jimmy Romero searched § 87(2)(b)'s recording device.	§ 87(2)(b)
E.DT3 Evan Crothers	Discourtesy: At the 81st Precinct Stationhouse, Detective Evan Crothers spoke discourteously to § 87(2)(b)	§ 87(2)(b)
F. An officer	Abuse: Inside of the 81st Precinct Stationhouse in Brooklyn, an officer searched § 87(2)(b)'s recording device.	§ 87(2)(b)

Case Summary

On January 25, 2019, § 87(2)(b) filed this complaint with the CCRB in-person.

On January 19, 2019, at approximately 5:14pm, PO Raul Torres and PO Jimmy Romero, both of the 81st Precinct, arrived at § 87(2)(b) in Brooklyn. They knocked on § 87(2)(b)'s door and, when she tried to close it, pushed through the door and entered the apartment (**Allegations A and B: Abuse of Authority** § 87(2)(g)). PO Torres then allegedly knocked § 87(2)(b)'s phone out of her hand as she was recording (**Allegation C: Abuse of Authority** § 87(2)(g)). PO Romero then allegedly looked through § 87(2)(b)'s phone (**Allegation D: Abuse of Authority** § 87(2)(g)). § 87(2)(b) was placed under arrest for § 87(2)(b). At the 81st Precinct, while speaking to § 87(2)(b) Det. Evan Crothers allegedly told her, "you don't have to fucking be like that. I'm just trying to help you" (**Allegation E: Discourtesy** § 87(2)(g)). When § 87(2)(b) retrieved her phone, there were issues with the SIM card that suggested that an unidentified officer had attempted to remove it (**Allegation F: Abuse of Authority** § 87(2)(g)).

BWC footage of this incident was obtained from PO Romero, PO Torres, PO Jake Hoina, PO Lace Kirk, Sgt. Conrad Narcisse, and PO Arturo Sanchez (Board Reviews 02, 03, 04, 05, 06, 07, 08, 09, 10). Video footage taken by § 87(2)(b) on her cellphone was also provided to the investigation (Board Review 11).

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Raul Torres entered § 87(2)(b) in Brooklyn.

Allegation (B) Abuse of Authority: Police Officer Jimmy Romero entered § 87(2)(b) in Brooklyn.

§ 87(2)(b) testified that she was inside her apartment at § 87(2)(b) in Brooklyn, when PO Torres and PO Romero knocked on her door. Prior to that, she was in her apartment playing music and cleaning. § 87(2)(b) testified that she and her neighbor across the hallway had mutual orders of protection against one another. § 87(2)(b) opened the door and PO Torres told her that there had been a noise complaint about her. § 87(2)(b) began closing the door. As she did, PO Torres pushed through the door and entered her apartment. PO Romero followed her in. As PO Torres was pushing through the door, he stated that they had a warrant for her arrest (Board Review 01).

The video footage taken by § 87(2)(b) begins while § 87(2)(b) is speaking to the officers at her door. PO Torres tells § 87(2)(b) that there is a complaint about her music. § 87(2)(b) tells the officers that she is going to turn her music back on and continue cleaning. She then begins to close the apartment door. PO Torres pushes the door back open and enters the apartment. PO Torres states that they have a warrant for her arrest (Board Review 11).

At the time of § 87(2)(b)'s arrest, there was no arrest warrant nor I-Card for her arrest. Two complaint reports, #§ 87(2)(b) and #§ 87(2)(b), had been generated for incidents on January 16, 2019 and January 19, 2019 respectively. They are both related to § 87(2)(b).

violating an order of protection with the same victim. Both reports detail § 87(2)(b) screaming at the victim as he entered his apartment (Board Review 12, 13).

PO Torres testified that he and PO Romero responded to § 87(2)(b) in Brooklyn at approximately 3:54pm in response to a radio run for a dispute. There, they took a complaint report regarding § 87(2)(b) violating an order of protection by yelling at the victim. Approximately one hour later, the complainant called PO Torres and stated that § 87(2)(b) had returned to her apartment, across the hall from his. PO Torres and PO Romero responded to § 87(2)(b) with the intent of placing § 87(2)(b) under arrest for the open complaint. At this point, they had not obtained an arrest warrant for § 87(2)(b) nor had there been an I-Card generated. PO Torres was not aware of any active I-Cards for § 87(2)(b). Upon arriving, PO Torres knocked on § 87(2)(b)'s door. When she answered, he explained to her that they were there to arrest her for violating an order of protection. § 87(2)(b) still in her apartment, attempted to close her apartment door. PO Torres stopped the door from closing and pushed into the apartment. PO Romero followed him in. PO Torres testified that they entered the apartment to place § 87(2)(b) under arrest pursuant to the complaint report. There was no other reason they entered § 87(2)(b)'s apartment. PO Torres initially denied referencing a noise complaint or that they had a warrant. When presented with § 87(2)(b)'s video footage, he stated that there had been no noise complaint and that when he referenced having a warrant he was referring to the complaint report (Board Review 14).

PO Romero's testimony was largely consistent with PO Torres'. The officers responded to § 87(2)(b) in Brooklyn in regards to a complaint report they had taken earlier that day for § 87(2)(b) violating an order of protection. The officers knocked on § 87(2)(b)'s door. When she opened the door, the officers entered the apartment. PO Romero testified that they entered § 87(2)(b)'s apartment to place her under arrest (Board Review 15).

Officers armed with probable cause that an individual has committed a crime, but not in possession of a warrant, may not cross the threshold of her home to take her into custody absent exigent circumstances. People v. Mendoza, 49 Misc. 3d 1007 (2015) (Board Review 16). In determining whether exigent circumstances are present, factors that apply are: the gravity or violent nature of the offense, whether the suspect is reasonably believed to be armed, a clear showing of probable cause that the suspect committed the crime, strong reason to believe that the suspect is in the premises being entered, a likelihood that the suspect will escape if not swiftly apprehended, and the peaceful circumstances of the entry. People v. McBride, 14 N.Y.3d 440 (2010) (Board Review 17).

§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)

Allegation (C) Abuse of Authority: Inside of § 87(2)(b) in Brooklyn, Police Officer Raul Torres interfered with § 87(2)(b)'s use of a recording device.

Allegation (D) Abuse of Authority: Inside of § 87(2)(b) in Brooklyn, Police Officer Jimmy Romero searched § 87(2)(b)'s recording device.

§ 87(2)(b) specifically alleged that PO Romero was the officer that knocked her phone out of her hand. However, based on the video footage, the investigation concluded that it was PO Torres that was in the position to take this action. § 87(2)(g)

§ 87(2)(b) testified that she began recording this incident on her cellphone prior to the officers entering her apartment. She had her phone in one hand and an order of protection in the other hand. After entering the apartment, an officer determined to be, PO Torres knocked both the phone and the order of protection out of her hand. § 87(2)(b) believed that her phone stopped recording while it was being knocked to the ground. PO Romero then picked up the phone and looked at it. § 87(2)(b) observed PO Romero swipe between home screens on her phone. PO Romero then put the phone in his pocket (Board Review 01).

In § 87(2)(b)'s video footage, after the officers enter the apartment, § 87(2)(b) asks what they are doing. An officer, it is not clear who, states, "put that down." The video footage then ends. It is not clear what causes the recording to end (Board Review 11).

PO Romero's BWC footage shows the officers entering § 87(2)(b)'s apartment. At 17:14:25, PO Romero picks § 87(2)(b)'s order of protection off the ground. PO Torres then tells § 87(2)(b) "put that down." A thud can be heard. It's not clear if the thud is § 87(2)(b)'s phone nor what would have caused it to fall. At 17:14:38, PO Romero picks up a cellphone. It is not clear what, if anything, he does with the phone (Board Review 02).

PO Torres' BWC footage begins as PO Torres is placing § 87(2)(b) into handcuffs. At 17:14:30, § 87(2)(b) can be seen seemingly trying to pull her right arm away from PO Torres. She has her cellphone in her right hand. PO Torres is able to pull her hand behind her back. It is unclear at what point § 87(2)(b)'s phone falls out of her hand. PO Romero picks the phone up and holds it. At 17:14:56, PO Romero appears to glance down at the phone. He continues holding it but does not do anything with the phone (Board Review 03).

PO Romero could not recall if § 87(2)(b) had anything in her hands when she was placed into handcuffs. He did not know who handcuffed her. PO Romero denied knocking § 87(2)(b)'s phone out of her hand. During his CCRB statement, PO Romero was presented with § 87(2)(b)'s cellphone footage. He testified that he did not know who's voice said "put that down." He also did not know what caused the video recording to end. PO Romero was also presented with his BWC footage. When he is seen picking up the phone, PO Romero testified that he did not know if that was § 87(2)(b)'s phone. He did not know what he did with it immediately after picking it up. PO Romero denied swiping through § 87(2)(b)'s phone or searching it in any other way (Board Review 15).

PO Torres testified that § 87(2)(b) had her phone in one hand and an order of protection in the other hand. PO Torres could not recall if § 87(2)(b) was recording on the phone. PO Torres

removed the order of protection from § 87(2)(b)'s hand. He did not know what happened with her phone. He denied knocking it out of her hand and denied that PO Romero did so. During his CCRB interview, PO Torres was presented with § 87(2)(b)'s video recording. He testified that the voice telling her to "put that down," was his. He testified that he was referencing the paperwork and not the phone. He denied stopping § 87(2)(b)'s video footage and did not know how it stopped (Board Review 14).

The right to record may be limited for reasons such as when a violation of law is committed by the individual who is videotaping. NYPD Patrol Guide, Procedure 203-29 (Board Review 18).

§ 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

The timeframe in which § 87(2)(b) alleged that PO Romero swiped through her home screen is captured on PO Torres' and PO Romero's BWC footage. The footage shows that PO Romero did not swipe through the home screen. Other than at one point glancing at the phone's screen, PO Romero did not appear to do anything with the phone. § 87(2)(g)

[REDACTED]
[REDACTED]

Allegation (E) Discourtesy: At the 81st Precinct Stationhouse, Detective Evan Crothers spoke discourteously to § 87(2)(b)

§ 87(2)(b) alleged that after being placed under arrest and brought to the 81st Precinct stationhouse, Det. Crothers approached her while she was in the holding cells. Det. Crothers brought her to another room and asked her if she knew of anything going on in the local projects. § 87(2)(b) said she did not. Det. Crothers then stated, "You don't have to fucking be like that. I'm just trying to help you" (Board Review 01).

Det. Crothers testified that while he was at the 81st Precinct Detective Squad, § 87(2)(b) was arrested and he was assigned to be her arresting officer for an open complaint report. § 87(2)(b) was brought to the detective squad's interview room where Det. Crothers explained what was going on. There were no other officers in the room while he was speaking to § 87(2)(b). He described § 87(2)(b) as upset about being at the stationhouse. Det. Crothers denied telling § 87(2)(b) "you don't have to fucking be like that." He further denied using any profanity when speaking to § 87(2)(b) (Board Review 19).

§ 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]

Allegation (F) Abuse of Authority: Inside of the 81st Precinct Stationhouse in Brooklyn, an officer searched § 87(2)(b)'s recording device.

§ 87(2)(b) testified that her phone was vouchered by the officers. When she received it back, the case that covers her phone was partially removed. In addition, the access hole for her SIM card appeared to be enlarged, as if someone had attempted to open it up. After she got the phone back, she began receiving alerts on her phone stating, “Safe to remove SIM card.” She did not get these alerts prior to this incident (Board Review 01).

PO Romero testified that he could not specifically recall if § 87(2)(b)'s phone was among the items that he vouchered for safe keeping following her arrest. He denied attempting to remove the SIM card of her phone. He testified that it was possible that he would have removed the case during the vouchering process as part of that process requires removing the phone's battery and checking its condition (Board Review 15).

PO Torres denied handling § 87(2)(b)'s phone at any point. He denied attempting to remove the phone's SIM card and did not observe any other officer do so. He was also never made aware of that occurring (Board Review 14).

Det. Crothers could not recall being the officer that vouchered § 87(2)(b)'s property. He also could not recall being in possession of § 87(2)(b)'s cellphone. He denied attempting to remove the phone's SIM card (Board Review 19).

§ 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Civilian and Officer CCRB Histories

- § 87(2)(b) [REDACTED]
[REDACTED]
 - [REDACTED]
[REDACTED]
 - [REDACTED]
[REDACTED]
[REDACTED]
- PO Torres has been a member-of-service for four years and has been a subject in one CCRB complaint and two allegations, neither of which were substantiated. § 87(2)(g) [REDACTED]
[REDACTED]
- PO Romero has been a member-of-service for two years and has been a subject in two CCRB complaints and seven allegations, none of which were substantiated. § 87(2)(g) [REDACTED]
[REDACTED]
- Det. Crothers has been a member-of-service for seven years and this is the first CCRB complaint to which he has been a subject.

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- As of June 26, 2019, the New York City Office of Comptroller has no record of a Notice of Claim being filed in regards to this complaint (Board Review 21).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Squad No.: 1

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date